

Board of Selectmen's Meeting Minutes
January 28, 2010
Harpswell Town Office
Approved on February 4, 2010

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Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order at 5:35 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: The agenda was adopted as printed.

2. Public Comment: Robert McIntyre stated: the Board agreed the cost to keep West Harpswell School open is inflated; the Board sent a letter to Commissioner Gendron agreeing with the Friends for Harpswell Education cost calculations; the Board then countersigned the SAD 75 warrant. Mr. McIntyre asked the Board to consider its responsibilities in this situation and if citizens could take any action to help relieve the tension or are there requests from citizens to the Board that can assist in conduct over the next six weeks. Chairman Henderson stated that individuals can express opinions to the Board but that the Board has taken a position already by asking the State to re-evaluate the numbers and that by petition, one can place something on the Town Meeting agenda. Linda Hall requested the Board hold one or more information meetings separate from the SAD 75 public hearing in February as the past meetings with SAD 75 have not encouraged open participation. Chairman Henderson responded that at a public hearing format, all can speak and he's not certain another meeting is necessary. Selectman Multer noted the past meetings have not been public hearings so the drawn conclusion is not correct. Selectman Multer stated her dissatisfaction with Linda always sliding in negative comments about SAD 75 and while it is Linda's right; she doesn't like it. Selectman Multer stated if the Board holds a meeting then that is saying that SAD 75 won't host a fair hearing. Chairman Henderson suggested he could check with Superintendent Wilhelm to express these concerns and inquire about the format. Selectman Multer stated that if Chairman Henderson was planning to speak to Mr. Wilhelm as a Selectman than he needs to have the sentiment of the other two Board members. Both Selectman Multer and Selectman Wallace expressed concern about Chairman Henderson contacting Mr. Wilhelm; Chairman Henderson agreed not to do so as a member of the Board. Chairman Henderson clarified for Mr. McIntyre that the referendum is SAD 75's, not the Town's.

3. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Wallace to approve the January 14 and January 21 minutes by accepting the editorial suggestions submitted to the office by email by individual selectmen; motion passed 3-0.

4. Town Administrator's Report: Administrator Eiane passed on her report to allow the Board time to focus on the budget review process.

5. Selectmen's Announcements: Chairman Henderson announced that he spoke with a Brunswick Town councilor who has agreed to look into allowing Harpswell to have "Harpswell" signs in Brunswick directing the public to Harpswell. Chairman Henderson noted a constituent brought to his attention that SAD 75 has applied to be on the State's list for replacing the Mt. Ararat High School. Chairman Henderson requested more information on what the implications could be, including potential costs to the SAD 75 (with a portion to Harpswell) and the number of students attending from Harpswell.

6. Review Release Deed: Marguerite Kelly, Treasurer, reported this is a very unusual situation dating back to 1949. The Town Attorney advises that while it is uncertain that the Town ever acquired any interest in this easement; she has agreed the easiest way to resolve the property seller's concerns without a full title search is to

proceed with this release deed. Ms. Kelly also reported the Town Attorney recommends passing her \$150 fee onto the interested party. Selectman Multer moved, seconded by Chairman Henderson to execute the release deed on the advice of the Town Attorney and authorize seeking reimbursement of legal costs; motion passed 3-0.

7. Review of Shoreland Zoning and Blasting Ordinances for the February 9 Hearing: Chairman Henderson proposed the addition of “portion of a” to the Shoreland Zoning amendment regarding exempt foundations. Chairman Henderson moved, seconded by Selectman Multer to approve this language for the hearing; motion passed 3-0. Selectman Wallace expressed concern about the proposed Blasting Ordinance, particularly 5(1), 5(4) and 5(5). The Board discussed the existing language and agreed on some changes and a version to bring to the hearing. Administrator Eiane stated the Board can offer its version and Planning Board’s version at the hearing and may want or need to hold another hearing.

8. Welcome to Harpswell Signs

- **Sample Ballot:** The Board reviewed the proposed ballot and Town Meeting warrant article regarding spending funds from the community development fund for this proposal. Chairman Henderson moved, seconded by Selectman Multer to approve the ballot and warrant article; motion passed 3-0.
- **Appointments to the Design Review Committee:** Chairman Henderson noted he provided a list of nominees. Chairman Henderson moved, seconded by Selectman Multer to appoint Hati Modr, Gail Kass, David Hackett, Brad McFadden and Jennifer Verplanck to the Design Review Committee; motion passed 3-0. Next is to proceed with a request for proposals and Chairman Henderson will be the liaison to this Committee. Deputy Administrator stated she was concerned about expressing someone else’s concerns but that Jennifer Verplanck phoned and was concerned the Board was considering accepting designs from persons outside of Town. The Board concurred that was not the intent and responses must be from Harpswell.

9. 2010 Budget Review: Administrator Eiane handed out and reviewed three preliminary scenarios, with assumptions, regarding possible 2010 tax rates to show how the components (local budget, County tax and MSAD 75) come together. The Board considered adding another 1% to staff salaries/wages to the previously Board approved 1%. The additional 1% totaled \$6,979 and the budget could still be compliant with LD1 as it currently is about \$37,000 below LD1. Selectman Multer questioned if pay raises have ever been based on merit; Administrator Eiane responded that while past Boards have brought up the issue, it has not been implemented as such. There have been some raises if one’s job has changed. Selectman Multer stated she was not comfortable with the union employees receiving a 2% raise while other Town employees only get a 1%. Selectman Multer noted the budget would still represent a decrease over last year and that she is impressed with Town employees. Selectman Multer moved, seconded by Selectman Wallace to increase the employee salaries and wages (including two elected officials that are considered full-time employees) by an additional 1% resulting in a 2% increase; motion passed 3-0. The Board reviewed the following budget categories: General Government \$331,884; elected officials \$119,340; assessing \$80,482, Codes \$89,989; Tax Collector \$33,628; Clerk’s \$48,277, Planning \$70,621; Committees/Commissions \$4,770, Treasurer \$1,750, Facility \$67,650, Old Town House \$5,000, Pott’s Point Dock \$3,250, Town landings \$6,000, risk management \$48,673, and employee benefits \$271,580. Marguerite Kelly, Treasurer, stated the decrease in employee health insurance is due to canceling the Town’s contribution to the family insurance coverage for the treasurer. The Board discussed this issue about the policy change that eliminated the Town’s contribution to family coverage for the Treasurer and Road Commissioner. Selectman Multer asked questions regarding the COLA (Cost of Living Adjustment) shown in the marine and law enforcement contracts since data shows there isn’t a cost of living in this area; Administrator Eiane believes it is due to a union contract but will check into it. The Board discussed the heating assistance program and Chairman Henderson suggested that a policy may be appropriate governing how much money should be raised so that when combined with donations a cap would be reached. Chairman Henderson stated that after reviewing the potential savings by proceeding with one marine warden and a

shellfish monitor instead of two marine wardens, he was surprised by the minimal savings and was prepared to support two marine wardens. The Board concurred. The Board reviewed the Recycling Center (with a 2% raise for the Manager instead of additional time off) and Transfer Station budget at \$360,185. Administrator Eiane noted there may be implications for the Transfer Station budget based on the wood grinding test; the first test failed for disposal and it may impact the proposed budget to dispose of the chips. Chairman Henderson moved, seconded by Selectman Multer to approve all budgets reviewed tonight except for the Transfer Station, Recycling Center and Employee Benefits; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to approve the Transfer Station, Recycling Center and Employee Benefits budgets; motion passed 2-0 (Selectman Wallace abstained).

10. Old Business

- **Public Participation Policy:** Chairman Henderson stated that he agreed with the changes, including a general time frame, made by Selectman Multer. Selectman Multer moved, seconded by Chairman Henderson to approve the revised policy and to have copies available at meetings; motion passed 3-0.
- **Consider Taking a Position on LD-1551: An Act to Further Regulate the Communications of Members of Public Bodies:** Selectman Multer explained she is prepared to stand behind her testimony that neither favors nor objects to the proposed bill. She is against a rule being made based on one experience when a Selectman went to Town Manager and said he had the votes to remove him. Selectman Multer stands prepared to forward testimony to the judiciary committee once the Board approves. Chairman Henderson moved, seconded by Selectman Multer to authorize Selectman Multer to submit testimony with the change of adding the title to the §413 reference; motion passed 3-0.

11. Appointment of Municipal Shellfish Conservation Warden: Chairman Henderson moved, seconded by Selectman Multer to appoint Bradley P. Rogers as the Town's Shellfish Warden to 4/30/11; motion passed 3-0.

12. Other Business: The Board questioned how to proceed with the complaint naming the Town as a party-in-interest re: West Harpswell School. Administrator Eiane reported the Town Attorney briefly reviewed the complaint and advises there are three options: 1. take no action as it is not required; 2. file an entry taking no position (the Town would be copied on court documents); or 3. file an entry seeking affirmation or reversal of the Commissioner's decision. Selectman Multer moved, seconded by Selectman Wallace to not take any action; motion passed 3-0. The Board agreed not to proceed with further legal involvement and understands there will be no further communication directly from the court. Selectman Multer stated she resents the repeated efforts to pull the Town taxpayers into this private suit. Chairman Henderson disagreed as the Town will be directly affected.

13. Authorization of the Warrant: Payroll warrant #5 in the amount of \$17,622.92 and the payroll taxes warrant #6 in the amount of \$4,556.37 were noted for the record.

24. Adjournment: The meeting adjourned by unanimous vote at 8:45 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Public Participation Policy
[Attachments are available at the Town Clerk's Office or by email at harpswell@gwi.net]